PATENT
Docket No. **0023-0218**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of	)	**Mail Stop: Appeal Brief - Patents**
Theron TOCK et al.	)	Group Art Unit: 2155
Application No.: 09/706,297	)	Examiner: A. Nawaz
Filed: November 3, 2000	)	
For: METHOD AND SYSTEM FOR MODIFYING SCRIPT PORTIONS OF REQUESTS FOR REMOTE RESOURCES	)	

REPLY BRIEF UNDER 37 CFR § 41.41

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Sir:

This Reply Brief is submitted in response to the Examiner's Answer, mailed July 26, 2006.

At the outset, Appellants note that the Examiner appears to have withdrawn his position with respect to many of the sections of Pettersen (U.S. Patent No. 6,826,594) on which he relied in rejecting Appellants' claims 1-37 in the final Office Action, dated January 12, 2006, and points to new sections of Pettersen for rejecting many of Appellants' claims. Appellants object to these

new grounds of rejection being presented for the first time in the Examiner's Answer, causing Appellants to basically provide a new Appeal Brief since many of the allegations addressed in the Appeal Brief now seem to be moot. Appellants submit that the Examiner should have more properly reopened prosecution to give Appellants an opportunity, prior to appeal, to address the Examiner's new allegations regarding Pettersen.

A. The rejection under 35 U.S.C. § 102(e) based on Pettersen (U.S. Patent No. 6,826,594) should be reversed.

1. Claims 1, 3, and 9.

Claim 1 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least one script portion including at least one link to a resource; and modifying the at least one link within the script portion of the markup language document to link to the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest modifying the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 13, lines 45-59, col. 14, lines 40-56, and col. 15, lines 38-46, of Pettersen for allegedly disclosing the above feature of Appellants' claim 1 (Examiner's Answer, pp. 3-4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 13, lines 45-59, Pettersen discloses:

> The central linking web site 380, in one sense, provides linking information between affiliate web sites 390 and merchant web sites 370. The linking

> information is stored in a "dynamic" lookup table 383. The central linking web site 380 also includes a web server 381 which, among other things, responds to requests from affiliate web sites 390 for linking information. Application programs 382 resident at the central linking web site 380 are executed to carry out various functions of the central linking web site 380. The application programs 382 may access the dynamic lookup table 383 or an optional accounting database 384, the general purpose of which is to track usage of the dynamic links in any of a variety of manners, as will be described in more detail hereinafter.

This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

At col. 14, lines 40-56, Pettersen discloses:

> The central linking web site 380 transmits the retrieved information to the user system browser 362, which displays it at the user system 360. Preferably, along with the retrieved information, the central linking web site 380 also transmits an embedded click-through link associated with the displayed information, containing a link back to the central linking web site 380 along with a redirect destination link to the merchant web site 370.
>
> At the user system 360, a user may activate (e.g., click on) the click-through link, which will cause the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370: The central linking Web site 380 tracks the user's request, then processes the request and redirects the user system 360 to the merchant web site 370. The merchant web site 370 then serves a web page 371 corresponding to the destination link for display or other processing at the user system 360.

This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked,

causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1. Embedding a click-through link is not the same as modifying a link within a script portion of a markup language document to link to an intermediate server. The Examiner does not explain how these two different acts can reasonably be construed as equivalent.

At col. 15, lines 38-46, Pettersen discloses:

> An advantage of the system 350 illustrated in FIG. 6 is that merchants can maintain complete control over the content of their advertisements, and, by making changes to the information in the dynamic lookup table 383, may make changes at will to the content associated with their advertisements. In addition, any changes will be immediately reflected in any and all affiliate web pages 370 referencing the advertisement, without any effort on the part of the affiliate(s).

This section of Pettersen discloses that a merchant may make changes to the content of their advertisements. This section of Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or

the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390, central linking web site 380, or merchant web site 370 acts as an intermediary server or that affiliate web site 390, central link web site 380, or merchant web site 370 modifies at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

Further with respect to the above feature, the Examiner relies, for the first time in the Examiner's Answer, on col. 8, lines 10-11 and 54-61, of Pettersen for allegedly disclosing modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1 (Examiner's Answer, pg. 9). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 8, lines 10-11, Pettersen discloses:

<SCRIPT LANGUAGE="javascript" src="<URL>"></script>.

This section of Pettersen discloses that one type of dynamic content code or tag that may be embedded into a web page 793. Pettersen discloses that this code or tag may be used to pull a program code (or script) from the content serving web site 780. Thus, this dynamic content code or tag does not appear to correspond to script. Moreover, even assuming, for the sake of argument, that one skilled in the art could reasonably construe the above dynamic content code or

tag of Pettersen as script, Appellants submit that neither this section of Pettersen nor any other section of Pettersen discloses or suggests that at least one link within this dynamic content code or tag is modified to link to an intermediary server, as would be required by the Examiner's interpretation of claim 1.

At col. 8, lines 53-61, Pettersen discloses:

> Dynamic output 98 used by the client computer 80 to display links or web page content is obtained by a call string 88 embedded in the code (such as HTML code) of a web page 86 displayed on the client computer's web browser 84. The call string 88 passed to the host server 90 can be in the form of, for example, a Java applet, JavaScript, Flash, or any one of various other program/script languages supported by the host server 90.

This section of Pettersen discloses that a call string 88 passed to a host server 90 can be in the form of a Java applet, JavaScript, Flash, or some other program/script language. This section of Pettersen does not disclose or suggest modifying at least one link within call string 88 to link to an intermediary server, as would be required by the Examiner's interpretation of claim 1.

Further with respect to the above feature of claim 1, the Examiner alleges "Pettersen teaches using table entries that comprise modifiable content and/or code links ... to modify a URL within a script portion (comprising Java Applet, JavaScript, CGI, etc) of an HTML document to link to the intermediary server (central linking website)" and points to col. 13, lines 60-67, of Pettersen for support (Examiner's Answer, pg. 9). Appellants disagree with the Examiner's interpretation of Pettersen.

At col. 13, lines 60-67, Pettersen discloses:

> The dynamic lookup table 383 preferably comprises a set of indexed entries. The table entries preferably comprise modifiable content and/or code links, made accessible to outside entities (e.g., merchants) through an application program such as a merchant interface run at the central linking web site 380. One possible embodiment of the dynamic lookup table 383 is depicted in FIG. 4 and described hereinafter.

This section of Pettersen discloses that a dynamic lookup table 383 includes modifiable content and/or code links. Pettersen specifically discloses that the central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370 using this dynamic lookup table 383. Contrary to the Examiner's allegations, Pettersen in no way discloses or suggests that central linking web site 380 uses dynamic lookup table 383 to modify at least one link within a script portion of a markup language document to link to an intermediary server (which the Examiner appears to allege corresponds to the central linking web site 380), as required by claim 1. The Examiner has not pointed to any section of Pettersen that supports the Examiner's allegation in the Examiner's Answer.

The Examiner has not pointed to any section of Pettersen that discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1. Accordingly, a proper case of anticipation has not been established with respect to claim 1.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection of claim 1 be reversed. Moreover,

since claims 3 and 9 depend from claim 1, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 1.

2. Claim 2.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 40-56, of Pettersen for allegedly disclosing the above feature of claim 2 (Examiner's Answer, pg. 9). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. Since, as set forth above, Pettersen in no way discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1, neither this section nor any other section of Pettersen can disclose or suggest delivering the markup language document to the client after modifying the at least one link, as required by claim 2.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 2 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 4.

Claim 4 depends from claim 1. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 1. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 4 recites that the modifying includes scanning the markup language document to locate the script portion; searching the script portion to locate a hostname; producing a replacement hostname for the located hostname; and replacing the located hostname with the replacement hostname. At the outset, Appellants submit that since Pettersen does not disclose modifying at least one link within a script portion of a markup language document to link to an intermediary server, Pettersen cannot disclose or suggest the features of claim 4.

Nonetheless, the Examiner relies on col. 10, lines 26-50, and col. 19, lines 22-39, of Pettersen for allegedly disclosing scanning the markup language document to locate the script portion (Examiner's Answer, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 10, lines 26-50, Pettersen discloses:

> Once a dynamic content code is embedded in a web page 793, the web page 793 with dynamic content inserted into it can be rendered at a remote user system 760 in response to a request from the user system browser 762 to the affiliate web site 790 to access the web page 793. This process is illustrated graphically in FIGS. 12A, 12B and 12C. As shown first in FIG. 12A, in response to a request from the user system browser 762, a web page 720 from among stored web pages 793 is served from the affiliate web server 791 to the user system browser 762. The web page 720 contains one or more dynamic content codes or tags--in this example, two such codes or tags 721, 722. The user system browser 762 eventually reads

> the first dynamic content code 721 and, in response thereto, issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID, as illustrated in FIG. 12B. In response to the request from the user system browser 762, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760. At the user system 760, the user system browser 762 reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793.

This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests that modifying at least one link within a script portion of a markup language document includes scanning a markup language document to locate a script portion, as required by claim 4. As set forth above, Pettersen's dynamic content code 721 is not a script portion, but merely provides a link to script.

At col. 19, lines 22-39, Pettersen discloses:

> In one aspect, according to various embodiments as described herein, systems and methods are provided for dynamically determining a destination link from a code

> link in connection with a lookup table that uses at least one parameter in the code link to access the destination link from the lookup table. The code link may, in certain embodiments, be embedded within a web page that is to be transported to a visiting user. In a preferred embodiment, "basic" information is contained in the code link, while "dynamic" information is looked up from a lookup table located on a host computer (located at, e.g., a remote web site), at run-time. Basic information is preferably the minimal amount of information necessary to perform the look up at the web server along with any additional information that is specific to the web site the link is located on. However, in alternative embodiments, information other than basic information (as described immediately above) may be contained in the code link.

This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests scanning a markup language document to locate a script portion, as required by claim 4.

Pettersen does not further disclose or suggest searching the script portion to locate a hostname, as further required by claim 4. The Examiner relies, for the first time in the Examiner's Answer, on col. 9, lines 24-45, and col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature of claim 4 (Examiner's Answer, pg. 4).

> At col. 9, lines 24-45, Pettersen discloses:
>
> <img src=http://www.track4.com/k-a4h3b-cfk6" width="120" height="60" alt="Click Here!" border="0">
>
> In this example, the retrieved output 98 will cause an image to be loaded with tracking codes when it is executed at the user's web browser 84.
>
> The web page owner may optionally include one or more parameters in the URL call string 88 embedded in the remote web page 86. Preferably, such parameters

> include at least the following: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. These parameters are used to send extended information to the host server 90 for processing. An example of a JavaScript call to the host server 90 using the three parameters is the following: <SCRIPT LANGUAGE="javascript" src="http://www.track4.com/1e-9gd5-120-60-JCLSite"></SCRIPT>
>
> In the above expression, the value 120 represents the ....

This section of Pettersen discloses call string 88 can include the following parameters: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. This section of Pettersen in no way discloses or suggests that modifying at least one link within a script portion of a markup language document includes searching the script portion to locate a hostname, as required by claim 4.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests that modifying at least one link within a script portion of a markup language

document includes searching the script portion to locate a hostname, as required by claim 4.

Since Pettersen does not disclose or suggest scanning the markup language document to locate a script portion or searching the script portion to locate a hostname, Pettersen cannot disclose or suggest producing a replacement hostname for the located hostname and replacing the located hostname with the replacement hostname, as further required by claim 4.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 4 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claims 5 and 8.

Claim 5 depends from claim 4. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 4. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 5 recites that the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server. At the outset, Appellants submit that since Pettersen does not disclose searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 5.

The Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 40-56,

of Pettersen for allegedly disclosing the above feature of claim 5 (Examiner's Answer, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen in no way relates to searching a script portion to locate a hostname, producing a replacement hostname for the located hostname, and replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server, as required by claim 5. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above features of claim 5. Accordingly, a proper case of anticipation has not been established with respect to claim 5.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 5 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 8 depends from claim 5, Appellants further request that the rejection of claim 8 be reversed for at least the reasons given above with respect to claim 5.

5. Claim 6.

Appellants' Appeal Brief provides a number of arguments with respect the Examiner's allegations regarding claim 6. The Examiner does not address these arguments in the Examiner's Answer. Thus, Appellants respectfully request that the Examiner's silence be taken as an admission that Appellants' arguments were persuasive.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 6 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

6. Claim 7.

Appellants' Appeal Brief provides a number of arguments with respect the Examiner's allegations regarding claim 7. The Examiner does not address these arguments in the Examiner's Answer. Thus, Appellants respectfully request that the Examiner's silence be taken as an admission that Appellants' arguments were persuasive.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 7 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

7. Claims 10 and 12.

Independent claim 10 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least a script portion including at least one of

function or property statements; and modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner relies, for the first time in the Examiner's Answer, on col. 13, lines 45-59, col. 14, lines 40-56, and col. 15, lines 38-46, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pp. 5, 6, and 10).

At the outset, Appellants note that Pettersen discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390 acts as an intermediary server or that any other devices acts as an intermediary server through which access to one or more remote servers can be made. Thus, Pettersen cannot disclose or suggest modifying at least one of

the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10.

Col. 13, lines 45-59, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. The Examiner does not explain how the above section of Pettersen can reasonably be construed as disclosing this feature.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. The transmission of an embedded click-through link is not equivalent to modifying at least one of the function or property statements within the script portion of the

markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. The Examiner does not explain why one skilled in the art would reasonably construe these different acts as equivalent.

At col. 15, lines 38-46, Pettersen discloses:

> An advantage of the system 350 illustrated in FIG. 6 is that merchants can maintain complete control over the content of their advertisements, and, by making changes to the information in the dynamic lookup table 383, may make changes at will to the content associated with their advertisements. In addition, any changes will be immediately reflected in any and all affiliate web pages 370 referencing the advertisement, without any effort on the part of the affiliate(s).

This section of Pettersen discloses that merchants can make changes to information in dynamic lookup table 383 to make changes to content associated with their advertisements. This section of Pettersen in no way relates to modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10. Pettersen does not disclose or suggest that dynamic lookup table 383 is a script portion of a markup language document, as the Examiner appears to allege.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 10 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 12 depends from claim 10, Appellants further request that the rejection of this claim be reversed for at least the reasons given above with respect to claim 10.

8. Claim 11.

Claim 11 depends from claim 10. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 10. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 11 recites that the modifying includes scanning the markup language document to locate the script portion, searching the script portion to locate a predetermined function or property statement, and replacing the predetermined function or property statement with a function call. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest scanning the markup language document to locate the script portion. The Examiner relies, for the first time in the Examiner's Answer, on col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pg. 6). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may

comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests that modifying at least one of the function or property statements within a script portion of a markup language document includes scanning the markup language document to locate the script portion, as required by claim 11. Moreover, Appellants note that this section of Pettersen does not disclose or suggest dynamic lookup table 383, which the Examiner appears to rely on as corresponding to the recited script portion.

Pettersen does not further disclose or suggest searching the script portion to locate a predetermined function or property statement, as further required by claim 11. The Examiner relies, for the first time in the Examiner's Answer, on col. 9, lines 24-45, and col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature of claim 11 (Examiner's Answer, pp. 6 and 10). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 9, lines 24-45, of Pettersen is reproduced above. This section of Pettersen discloses that call string 88 can include the following parameters: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. This section of Pettersen in no way discloses or suggests that modifying at least one of the function or property statements within a script portion of a markup language document includes searching the script portion to locate a predetermined function or property statement, as required by claim 11. Moreover, Appellants note that this section of Pettersen does not disclose or suggest dynamic lookup table 383, which

the Examiner appears to rely on as corresponding to the recited script portion.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests that modifying at least one of the function or property statements within a script portion of a markup language document includes searching the script portion to locate a predetermined function or property statement, as required by claim 11.

Since Pettersen does not disclose or suggest scanning the markup language document to locate the script portion and searching the script portion to locate a predetermined function or property statement, Pettersen cannot disclose or suggest replacing the predetermined function or property statement with a function call, as further required by claim 11.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 11 under 35 U.S.C. § 102(e) based on Pettersen is

improper. Accordingly, Appellants request that the rejection be reversed.

9. Claim 13.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner alleges that "Pettersen teaches that the central linking web site, merchant web site, and affiliate web site only need to communicate to the system browser. This can be done using cookies" and points to col. 17, lines 9-20, and col. 27, lines 50-60, of Pettersen for support (Examiner's Answer, pg. 11). Appellants respectfully submit that this allegation by the Examiner does not address the specifically recited feature of claim 13.

Claim 13 does not recite communicating with cookies. Instead, claim 13 specifically recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner's allegations do not address this feature of claim 13.

Nevertheless, Appellants addressed col. 17, lines 9-20, of Pettersen in the Appeal Brief. Those arguments are incorporated by reference herein.

At col. 27, lines 50-60, Pettersen discloses:

> After various cookies are evaluated and updated (to validate time stamps, browser ids, etc.) by the application program, a redirect to the merchant's universal resource locator (URL) is sent to the user system browser 362 to connect to the merchant web site 370. The merchant URL can either be passed as part of the original request, or alternatively can be retrieved from the application program 382 based on the passed AID value. The user system browser 362 then sends a request to the merchant web site 370 and a merchant web page 371 is loaded into the user system browser 362 for display to the user.

While this section of Pettersen does disclose "cookies," this section of Pettersen in no way relates

to searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 13.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 13 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

10. Claim 14.

Claim 14 depends from claim 11. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 11. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 14 recites that the predetermined function or property statement initiates a request. The Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 48-54, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pg. 6). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 42-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370.

This section of Pettersen does not disclose or suggest searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 14. The transmission of an embedded click-through link is not equivalent to searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 14. The Examiner does not explain why one skilled in the art would reasonably construe these different acts as equivalent

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 14 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

11. Claim 15.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner alleges that "Pettersen teaches that link replaced within script portion of the markup language document is in fact a URL" and points to col. 27, lines 50-60, of Pettersen for support (Examiner's Answer, pg. 11). Appellants respectfully submit that this allegation by the Examiner does not address the specifically recited feature of claim 15.

Claim 15 does not recite replacing a link in a script portion of a markup language

document, where the link is a URL. Instead, claim 15 specifically recites that the predetermined function or property statement returns a URL. The Examiner's allegations do not address this feature of claim 15.

Nevertheless, col. 27, lines 50-60, of Pettersen is reproduced above. This section of Pettersen discloses that a merchant's URL is sent to a user's browser to connect to the merchant web site. This section of Pettersen in no way relates to searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 15.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 15 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

12. Claim 16.

Independent claim 16 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document; and modifying the located hostnames in accordance with a hostname associated with the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen do not disclose or suggest locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server. The Examiner groups the rejection of claim 16 with the rejection of claims 1-15 (Examiner's Answer, pg. 7). Claims 1-15, however, do not recite locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server, as required by claim 16. The Examiner has completely ignored this feature of claim 16. Accordingly, a proper case of anticipation has not been established with respect to claim 16.

Pettersen does not further disclose or suggest modifying the located hostnames in accordance with a hostname associated with the intermediary server, as also required by claim 16. While not specifically addressing this feature, the Examiner relies on col. 14, lines 40-56, of Pettersen for rejecting a similar feature recited in claim 5 (Examiner's Answer, pg. 4). Appellants respectfully submit that this section of Pettersen does not disclose or suggest modifying the located hostnames in accordance with a hostname associated with the intermediary server, as required by claim 16, for at least reasons similar to reasons given above with respect to claim 5.

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 16 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

13. Claim 17.

Independent claim 17 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating one of predetermined property or function statements within the script portion of the HTML document; and replacing a located statement within the script portion with a function call statement. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement. The Examiner groups the rejection of claim 17 with the rejection of claims 1-15 (Examiner's Answer, pg. 7). While not specifically addressing this feature, the Examiner relies on col. 9, lines 24-45, col. 10, lines 26-50, and col. 14, lines 40-56, of Pettersen for rejecting a similar feature recited in claim 11 (Examiner's Answer, pg. 6). Appellants respectfully submit that these sections of Pettersen do not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17, for at least reasons similar to reasons given above with respect to claim 11.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief,

Appellants submit that the rejection of claim 17 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

14. Claim 18.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner alleges that "Pettersen teaches that the central linking web site, merchant web site, and affiliate web site only need to communicate to the system browser. This can be done using cookies" and points to col. 17, lines 9-20, and col. 27, lines 50-60, of Pettersen for support (Examiner's Answer, pg. 11). Appellants respectfully submit that this allegation by the Examiner does not address the specifically recited feature of claim 18.

Claim 18 does not recite communicating with cookies. Instead, claim 18 specifically recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner's allegations do not address this feature of claim 18.

Nevertheless, Appellants addressed col. 17, lines 9-20, of Pettersen in the Appeal Brief. Those arguments are incorporated by reference herein.

Col. 27, lines 50-60, of Pettersen is reproduced above. While this section of Pettersen does disclose "cookies," this section of Pettersen in no way relates to locating one of predetermined property or function statements within the script portion of the HTML document, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 18.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 18 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

15. Claim 19.

Claim 19 depends from claim 17. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 17. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 19 recites that the predetermined function or property statement initiates a request. The Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 48-54, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pg. 6, with reference to claim 14). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 42-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen does not disclose or suggest locating one of predetermined property or function statements within the script portion of the HTML document, where the predetermined function or property statement initiates a request, as required by claim 19. The transmission of an embedded click-through link is not equivalent to locating one of predetermined property or

function statements within the script portion of the HTML document, where the predetermined function or property statement initiates a request, as required by claim 19. The Examiner does not explain why one skilled in the art would reasonably construe these different acts as equivalent

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 19 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

16. Claims 20, 23, and 29.

Independent claim 20 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including at least one link to another resource; and computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server. The Examiner relies on col. 13, lines 45-59, col. 14, lines 40-56, and col. 15, lines 38-46, of Pettersen for allegedly disclosing the above feature of Appellants' claim

20 (Examiner's Answer, pp. 3-4, with reference to claim 1). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 13, lines 45-59, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen in no way discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20. Embedding a click-through link is not the same as modifying a link within a script portion of a markup language document to link to an intermediate server. The Examiner does not explain how these two different acts can reasonably be construed as equivalent.

Col. 15, lines 38-46, of Pettersen is reproduced above. This section of Pettersen discloses that a merchant may make changes to the content of their advertisements. This section of

Pettersen in no way discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Pettersen is directed to the ability to send additional content to a user after the user has received an HTML document. Pettersen specifically discloses that, when a user system 360 requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390, central linking web site 380, merchant web site 370, or any other device acts as an intermediary server or that affiliate web site 390, central link web site 380, merchant web site 370, or any other device includes computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

Further, the Examiner relies, for the first time in the Examiner's Answer, on col. 8, lines 10-11 and 54-61, of Pettersen for allegedly disclosing modifying at least one link within a script portion of a markup language document to link to an intermediary server (Examiner's Answer, pg. 9). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 8, lines 10-11, of Pettersen is reproduced above. This section of Pettersen discloses that one type of dynamic content code or tag that may be embedded into a web page 793. Pettersen discloses that this code or tag may be used to pull a program code (or script) from the content serving web site 780. Thus, this dynamic content code or tag does not appear to correspond to script. Moreover, even assuming, for the sake of argument, that one skilled in the art could reasonably construe the above dynamic content code or tag of Pettersen as script, Appellants submit that neither this section of Pettersen nor any other section of Pettersen discloses or suggests that affiliate web site 390, central linking web site 380, merchant web site 370, or any other device in Pettersen includes computer program code for modifying at least one link within this dynamic content code or tag to link to an intermediary server, as would be required by the Examiner's interpretation of claim 20.

Col. 8, lines 53-61, of Pettersen is reproduced above. This section of Pettersen discloses that a call string 88 passed to a host server 90 can be in the form of a Java applet, JavaScript, Flash, or some other program/script language. This section of Pettersen does not disclose or suggest computer program code for modifying at least one link within call string 88 to link to an intermediary server, as would be required by the Examiner's interpretation of claim 20.

Further, the Examiner alleges "Pettersen teaches using table entries that comprise modifiable content and/or code links … to modify a URL within a script portion (comprising Java Applet, JavaScript, CGI, etc) of an HTML document to link to the intermediary server

(central linking website)" and points to col. 13, lines 60-67, of Pettersen for support (Examiner's Answer, pg. 9). Appellants disagree with the Examiner's interpretation of Pettersen.

Col. 13, lines 60-67, of Pettersen is reproduced above. This section of Pettersen discloses that a dynamic lookup table 383 includes modifiable content and/or code links. Pettersen specifically discloses that the central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370 using this dynamic lookup table 383. Contrary to the Examiner's allegations, Pettersen in no way discloses or suggests that central linking web site 380 uses dynamic lookup table 383 to modify at least one link within a script portion of a markup language document to link to an intermediary server (which the Examiner appears to allege corresponds to the central linking web site 380). Thus, Pettersen cannot disclose or suggest computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20.

The Examiner has not pointed to any section of Pettersen that discloses or suggests computer program code for modifying the at least one link within the script portion of the markup language document to link to the intermediary server, as required by claim 20. Accordingly, a proper case of anticipation has not been established with respect to claim 20.

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 20 under 35 U.S.C. § 102(e) based on Pettersen is

improper. Accordingly, Appellants request that the rejection of claim 20 be reversed. Moreover, since claims 23 and 29 depend from claim 20, Appellants further request that the rejection of these claims be reversed for at least the reasons given above with respect to claim 20.

17. Claim 21.

Independent claim 21 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including one of property or function statements; and computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner relies, for the first time in the Examiner's Answer, on col. 13, lines 45-59, col. 14, lines 42-56, and col. 15, lines 38-46, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pp. 5, 6, and 10).

At the outset, Appellants note that Pettersen discloses that, when a user system 360

requests a web page from an affiliate web site 390, affiliate web site 390 contacts central linking web site 380 to obtain destination links and affiliate web site 390 embeds the destination links or the content from the links in a web page for sending to a user system 360 (col. 15, lines 16-25). At the user system 360, the user browser 362 can automatically retrieve the content from the merchant web site 370 if affiliate web site 390 did not embed the content (col. 15, lines 25-31). Pettersen in no way discloses or suggests that affiliate web site 390 acts as an intermediary server or that any other devices acts as an intermediary server through which access to one or more remote servers can be made. Thus, Pettersen cannot disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21.

Col. 13, lines 45-59, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 provides linking information between affiliate web sites 390 and merchant web sites 370. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21. The Examiner does not explain how the above section of Pettersen can reasonably be construed as disclosing this feature.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21. The transmission of an embedded click-through link is not equivalent to modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner does not explain why one skilled in the art would reasonably construe these different acts as equivalent.

Col. 15, lines 38-46, of Pettersen is reproduced above. This section of Pettersen discloses that merchants can make changes to information in dynamic lookup table 383 to make changes to content associated with their advertisements. This section of Pettersen in no way relates to computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21. Pettersen does not disclose or suggest that dynamic lookup table 383 is a script portion of a

markup language document, as the Examiner appears to allege.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 21 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

18. Claim 22.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 40-56, of Pettersen for allegedly disclosing the above feature of claim 22 (Examiner's Answer, pg. 9). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. Since, as set forth above, Pettersen in no way discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 20, neither this section nor any other section of Pettersen can disclose or suggest computer code for delivering the markup language document to the client after modifying the at least one link to link to an intermediary server, as required by claim 22.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 22 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

19. Claim 24.

Claim 24 depends from claim 20. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 20. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 24 recites that the computer program code for modifying includes computer program code for scanning the markup language document to locate the script portion; computer program code for searching the script portion to locate a hostname; computer program code for producing a replacement hostname for the located hostname; and computer program code for replacing the located hostname with the replacement hostname. At the outset, Appellants submit that since Pettersen does not disclose computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, Pettersen cannot disclose or suggest the features of claim 24.

Nonetheless, the Examiner relies on col. 10, lines 26-50, and col. 19, lines 22-39, of Pettersen for allegedly disclosing computer program code for scanning the markup language document to locate the script portion (Examiner's Answer, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document that includes computer program code for scanning a markup language document to locate a script portion, as required by claim 24. As set forth above, Pettersen's dynamic content code 721 is not a script portion, but merely provides a link to script.

Col. 19, lines 22-39, of Pettersen is reproduced above. This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests computer program code for scanning a markup language document to locate a script portion, as required by claim 24.

Pettersen does not further disclose or suggest computer program code for searching the script portion to locate a hostname, as further required by claim 24. The Examiner relies, for the first time in the Examiner's Answer, on col. 9, lines 24-45, and col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature of claim 24 (Examiner's Answer, pg. 4).

Col. 9, lines 24-45, of Pettersen is reproduced above. This section of Pettersen discloses call string 88 can include the following parameters: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document that includes computer program code for searching the script portion to locate a hostname, as required by claim 24.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way

discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document that includes computer program code for searching the script portion to locate a hostname, as required by claim 24.

Since Pettersen does not disclose or suggest computer program code for scanning the markup language document to locate a script portion or computer program code for searching the script portion to locate a hostname, Pettersen cannot disclose or suggest computer program code for producing a replacement hostname for the located hostname and computer code for computer program code for replacing the located hostname with the replacement hostname, as further required by claim 24.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 24 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

20. Claims 25 and 28.

Claim 25 depends from claim 24. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 24. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 25 recites that the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server. At the outset, Appellants submit that since Pettersen does not disclose computer program code for searching a

script portion to locate a hostname, computer program code for producing a replacement hostname for the located hostname, and computer program code for replacing the located hostname with the replacement hostname, Pettersen cannot disclose or suggest the feature of claim 25.

The Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 40-56, of Pettersen for allegedly disclosing the above feature of claim 25 (Examiner's Answer, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen in no way relates to computer program code for searching a script portion to locate a hostname, computer program code for producing a replacement hostname for the located hostname, and computer program code for replacing the located hostname with the replacement hostname, where the located hostname is associated with one or more remote servers and the replacement hostname is associated with the intermediary server, as required by claim 25. Moreover, the Examiner does not explain how this section of Pettersen in any way relates to the above features of claim 25. Accordingly, a proper case of anticipation has not been established with respect to claim 25.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 25 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 28 depends from claim 25, Appellants further request that the rejection of claim 28 be reversed for at least the reasons given above with respect to claim 25.

21. Claim 26.

Appellants' Appeal Brief provides a number of arguments with respect the Examiner's allegations regarding claim 26. The Examiner does not address these arguments in the Examiner's Answer. Thus, Appellants respectfully request that the Examiner's silence be taken as an admission that Appellants' arguments were persuasive.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 26 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

22. Claim 27.

Appellants' Appeal Brief provides a number of arguments with respect the Examiner's allegations regarding claim 27. The Examiner does not address these arguments in the Examiner's Answer. Thus, Appellants respectfully request that the Examiner's silence be taken as an admission that Appellants' arguments were persuasive.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief,

Appellants submit that the rejection of claim 27 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed

23. Claims 30 and 31.

Claim 30 depends from claim 21. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 21. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 30 recites that the computer program code for modifying includes computer program code scanning the markup language document to locate the script portion, computer program code searching the script portion to locate a predetermined function or property statement, and computer program code replacing the predetermined function or property statement with a function call. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for scanning the markup language document to locate the script portion. The Examiner relies, for the first time in the Examiner's Answer, on col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pg. 6). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793,

the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one of the function or property statements with a script portion of a markup language document that includes computer program code for scanning the markup language document to locate the script portion, as required by claim 30. Moreover, Appellants note that this section of Pettersen does not disclose or suggest dynamic lookup table 383, which the Examiner appears to rely on as corresponding to the recited script portion.

Pettersen does not further disclose or suggest computer program code for searching the script portion to locate a predetermined function or property statement, as further required by claim 30. The Examiner relies, for the first time in the Examiner's Answer, on col. 9, lines 24-45, and col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature of claim 30 (Examiner's Answer, pp. 6 and 10). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 9, lines 24-45, of Pettersen is reproduced above. This section of Pettersen discloses call string 88 can include the following parameters: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one of the function or property statements with a script portion of a markup language document that includes computer program code for searching the script portion to locate a predetermined function or property statement, as required by claim 30. Moreover, Appellants note that this section of Pettersen does not disclose or suggest dynamic lookup table 383, which the Examiner appears to rely on as corresponding to the recited script portion.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests computer program code for modifying at least one of the function or

property statements with a script portion of a markup language document that includes computer program code for searching the script portion to locate a predetermined function or property statement, as required by claim 30.

Since Pettersen does not disclose or suggest computer program code for scanning the markup language document to locate the script portion and computer program code for searching the script portion to locate a predetermined function or property statement, Pettersen cannot disclose or suggest computer program code for replacing the predetermined function or property statement with a function call, as further required by claim 30.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 30 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 31 depends from claim 30, Appellants further request that the rejection of this claim be reversed for at least the reasons given above with respect to claim 30.

24. Claim 32.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner alleges that "Pettersen teaches that the central linking web site, merchant web site, and affiliate web site only need to communicate to the system browser. This can be done using cookies" and points to col. 17, lines 9-20, and col. 27, lines 50-60, of Pettersen for support (Examiner's Answer, pg. 11). Appellants respectfully submit that this allegation by the Examiner does not address the

specifically recited feature of claim 32.

Claim 32 does not recite communicating with cookies. Instead, claim 32 specifically recites that the predetermined function or property statement is replaced with a set or get cookies function call. The Examiner's allegations do not address this feature of claim 32.

Nevertheless, Appellants addressed col. 17, lines 9-20, of Pettersen in the Appeal Brief. Those arguments are incorporated by reference herein.

Col. 27, lines 50-60, of Pettersen is reproduced above. While this section of Pettersen does disclose "cookies," this section of Pettersen in no way relates to computer program code for searching the script portion to locate a predetermined function or property statement or computer program code for replacing the predetermined function or property statement with a function call, where the predetermined function or property statement is replaced with a set or get cookies function call, as required by claim 32.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 32 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

25. Claim 33.

Claim 33 depends from claim 30. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 30. Moreover, this claim recites an additional feature not disclosed or suggested by Pettersen.

Claim 33 recites that the predetermined function or property statement initiates a request. The Examiner relies, for the first time in the Examiner's Answer, on col. 14, lines 48-54, of Pettersen for allegedly disclosing this feature (Examiner's Answer, pg. 6). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 14, lines 42-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen does not disclose or suggest computer program code for searching the script portion to locate a predetermined function or property statement or computer program code for replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request, as required by claim 33. The transmission of an embedded click-through link is not equivalent to searching the script portion to locate a predetermined function or property statement or replacing the predetermined function or property statement with a function call, where the predetermined function or property statement initiates a request. The Examiner does not explain why one skilled in the art would reasonably construe these different acts as equivalent

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 33 under 35 U.S.C. § 102(e) based on Pettersen is

improper. Accordingly, Appellants request that the rejection be reversed.

26. Claim 34.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner alleges that "Pettersen teaches that link replaced within script portion of the markup language document is in fact a URL" and points to col. 27, lines 50-60, of Pettersen for support (Examiner's Answer, pg. 11). Appellants respectfully submit that this allegation by the Examiner does not address the specifically recited feature of claim 34.

Claim 34 does not recite replacing a link in a script portion of a markup language document, where the link is a URL. Instead, claim 34 specifically recites that the predetermined function or property statement returns a URL. The Examiner's allegations do not address this feature of claim 34.

Nevertheless, col. 27, lines 50-60, of Pettersen is reproduced above. This section of Pettersen discloses that a merchant's URL is sent to a user's browser to connect to the merchant web site. This section of Pettersen in no way relates to computer program code for searching the script portion to locate a predetermined function or property statement or computer program code for replacing the predetermined function or property statement with a function call, where the predetermined function or property statement returns a Universal Resource Locator, as required by claim 34.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief,

Appellants submit that the rejection of claim 34 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

27. Claims 35 and 36.

Independent claim 35 is directed to a computer readable media including at least computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests. The computer readable media includes computer program code for receiving, at the intermediary server, a request from a client device for an item; computer program code for determining whether the item is a hyper text markup language (HTML) document; computer program code for forwarding the item to the client device when the item is determined not to be a HTML document; computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document; and computer program code for forwarding the modified HTML document to the client device. Pettersen does not disclose or suggest this combination of features.

For example, Pettersen does not disclose or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within

the HTML document with a replacement URL to produce a modified HTML document. The Examiner relies, for the first time in the Examiner's Answer, on col. 12, lines 38-40, col. 14, lines 40-56, and col. 14, line 64 to col. 15, line 15, of Pettersen for allegedly disclosing these features (Examiner's Answer, pg. 7). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

At col. 12, lines 38-40, Pettersen discloses:

> The term "content" can include, among other things, graphics, images, text, video data, audio data, applications, code and/or other forms of information.

This section of Pettersen merely defines "content" in the context of Pettersen's invention. This section of Pettersen in no way discloses or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35.

Col. 14, lines 40-56, of Pettersen is reproduced above. This section of Pettersen discloses that a central linking web site 380 transmits an embedded click-through link with retrieved information to a user system browser 362, which, when clicked, causes the user system browser 362 to send to the central linking web site 380 a redirect request to the merchant web site 370. This section of Pettersen in no way relates to computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program

code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35.

At col. 14, line 64, to col. 15, line 15, Pettersen discloses:

> To facilitate the above process, the dynamic lookup table 383 preferably comprises at least a merchant destination link and a content file identifier which identifies the location of a presentation file (e.g., banner advertisement) or, potentially, a set of presentation files. The presentation files may be stored at the central linking web site 380. Alternatively, they may be stored at a merchant web site 370. In addition to the presentation file destination link, the dynamic lookup table 383 may also store a product description destination link, which provides a link to a file containing descriptive information about an offered product; an image or other media destination link, which provides a link to a file containing a graphical image or other media content (e.g., audio information) relating to an offered product; and a purchase destination link, which provides a link to a site for processing a product purchase. All of the links for a particular entry in the dynamic lookup table 383 may be associated with the same web site; however, they may also be associated with different web sites, if desired.

This section of Pettersen discloses that the dynamic lookup table 383 includes at least a merchant destination link and a content file identifier that identifies the location of a presentation file (e.g., banner advertisement) or, potentially, a set of presentation files. This section of Pettersen in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as recited in claim 35.

While Pettersen appears to disclose transmitting an embedded click-through link with content to a user's browser, Pettersen does not disclose or suggest that this transmitting act includes replacing a URL with a replacement URL. The sections of Pettersen on which the Examiner relies on page 11 of the Examiner's Answer have been reproduced above. These sections of Pettersen in no way disclose or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as recited in claim 35.

For at least the foregoing reasons, Appellants submit that the rejection of claim 35 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed. Moreover, since claim 36 depends from claim 35, Appellants further request that the rejection of claim 36 be reversed for at least the reasons given above with respect to claim 35.

28. Claim 37.

Claim 37 depends from claim 35. Therefore, Appellants submit that this claim is not anticipated by Pettersen for at least the reasons given above with respect to claim 35. Moreover, this claim recites additional features not disclosed or suggested by Pettersen.

Claim 37 recites that the computer program code for replacing includes computer

program code for scanning the HTML document to locate the script portion; computer program code for searching the script portion to locate a hostname; computer program code for producing a replacement hostname for the located hostname; and computer program code for replacing the located hostname with the replacement hostname. At the outset, Appellants submit that since Pettersen does not disclose computer program code for replacing a URL within an HTML document to produce a modified HTML document, Pettersen cannot disclose or suggest the features of claim 37.

Nonetheless, the Examiner relies on col. 10, lines 26-50, and col. 19, lines 22-39, of Pettersen for allegedly disclosing computer program code for scanning the HTML document to locate the script portion (Examiner's Answer, pg. 4). Appellants respectfully disagree with the Examiner's interpretation of Pettersen.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in

relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests computer program code for replacing a URL within an HTML document that includes computer program code for scanning the HTML document to locate a script portion, as required by claim 37. As set forth above, Pettersen's dynamic content code 721 is not a script portion, but merely provides a link to script.

Col. 19, lines 22-39, of Pettersen is reproduced above. This section of Pettersen discloses embedding a code link into a web page to allow for dynamic information to be retrieved. Contrary to the Examiner's allegation, this section of Pettersen in no way discloses or suggests computer program code for replacing a URL within an HTML document that includes computer program code for scanning the HTML document to locate a script portion, as required by claim 37.

Pettersen does not further disclose or suggest computer program code for searching the script portion to locate a hostname, as further required by claim 37. The Examiner relies, for the first time in the Examiner's Answer, on col. 9, lines 24-45, and col. 10, lines 26-50, of Pettersen for allegedly disclosing this feature of claim 24 (Examiner's Answer, pg. 4).

Col. 9, lines 24-45, of Pettersen is reproduced above. This section of Pettersen discloses call string 88 can include the following parameters: 1) the height of display area, 2) the width of the display area, and 3) a subset (or smart zone) name. This section of Pettersen in no way discloses or suggests computer program code for replacing a URL within an HTML document

that includes computer program code for searching the script portion to locate a hostname, as required by claim 37.

Col. 10, lines 26-50, of Pettersen is reproduced above. This section of Pettersen discloses that when the user system browser 762 reads dynamic content code 721 within a web page 793, the user system browser 762 issues a request containing the tag ID to the content serving web site 780 to retrieve the dynamic content associated with the tag ID. This section of Pettersen further discloses that in response to the request, the content serving web site 780 looks up the file 787 associated with the dynamic content from the dynamic content database 785, using the tag ID 786 as a key, and sends the file 787 to the user system 760, which reads the file (which may comprise, for example, JavaScript or a Java applet), and performs the actions specified thereby in relation to the pre-designated zone of the web page 793. This section of Pettersen in no way discloses or suggests computer program code for replacing a URL within an HTML document that includes computer program code for searching the script portion to locate a hostname, as required by claim 37.

Since Pettersen does not disclose or suggest computer program code for scanning the HTML document to locate a script portion or computer program code for searching the script portion to locate a hostname, Pettersen cannot disclose or suggest computer program code for producing a replacement hostname for the located hostname and computer program code for replacing the located hostname with the replacement hostname, as further required by claim 37.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 37 under 35 U.S.C. § 102(e) based on Pettersen is improper. Accordingly, Appellants request that the rejection be reversed.

B. The rejection under 35 U.S.C. § 102(e) based on Delph (U.S. Patent No. 6,356,934) should be reversed.

1. Claim 1.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner relies, for the first time in the Examiner's Answer, on col. 1, lines 62-67, of Delph for allegedly disclosing modifying at least one link within a script portion of a markup language document to link to an intermediary server (Examiner's Answer, pg. 12). Appellants respectfully disagree with the Examiner's interpretation of Delph.

At col. 1, lines 62-67, Delph discloses:

> The Web links information by associating items of interest through a common scripting language known as Hyper Text Markup Language ("HTML"), and transmits these HTML-based files between servers and clients using a common protocol known as the Hyper Text Transfer Protocol ("HTTP").

This section of Delph does not disclose or suggest modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1.

The Examiner has not pointed to any section of Delph that discloses or suggests modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 1. Accordingly, a proper case of anticipation has not

been established with respect to claim 1.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection of claim 1 be reversed.

2. Claim 10.

Independent claim 10 is directed to a method for modifying a markup language document. The method includes receiving the markup language document at an intermediary server, where the markup language document has at least a script portion including at least one of function or property statements; and modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner relies, for the first time in the Examiner's Answer, on col. 6, lines 33-64, of Delph for allegedly disclosing this feature (Examiner's Answer, pg. 12).

At col. 6, lines 33-64, Delph discloses:

> Referring now to FIG. 2, by using a re-direct program loaded on a content server, an intermediate server permits monitoring a user's navigation through a network without the user's initiation. Sender computer 80 interfaces with content server 70

> through the Internet 40 by entering a content data identification code, such as a URL, for content data stored on content server 70. A re-direct program loaded on content server 70 directs content server 70 to provide sender computer 80 with a modified content data identification code which redirects sender computer 80 to intermediate server 50. Intermediate server 50 then contacts content server 70 as described in FIG. 1 at step 3a. The modified content data identification code comprises the unmodified code appended to the location code for intermediate server (50). Once sender computer 80 establishes an interface with intermediate server 50, the control program may direct intermediate server 50 to modify the data received by each content server navigated, even if the content servers being navigated do not include a re-direct program.
>
> An example based on the Web protocol helps explain how the control program modifies identification information to point to an intermediate server having a domain name of intermediate.com. If an intermediate server, for example, retrieves data from a site having a URL of "http://travelexplorer.com/jamaica", the control program may modify the name of the site to "http://intermediate.com?http://travelexplorer.com/ jamaica". The control program may then search out and modify any Web links found in the data. For instance, a Web link of "http://travelexplorer.com/activity" found in the Jamaica subdirectory may be modified into "http://intermediate.com?http://travelexplorer.com/ activity."

This section of Delph discloses an intermediate server modifying a URL of content to point back to the intermediate server. This section of Delph does not disclose or suggest modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10.

Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50 (col. 5, lines 4-59). Delph in no way discloses or

suggests modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 10.

For at least the foregoing reasons and the reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 10 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 16.

Independent claim 16 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating hostnames of Universal Resource Locators (URLs) constructed or to be constructed within the script portion of the HTML document; and modifying the located hostnames in accordance with a hostname associated with the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph do not disclose or suggest locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server. The Examiner groups the rejection of claim 16 with the rejection of claim 1 (Examiner's Answer, pg. 7). Claim 1, however, does not recite locating hostnames of URLs constructed or to be constructed within a script portion of a HTML document received at an intermediary server, as required by claim 16. The Examiner continues to completely ignore this feature of claim 16.

Accordingly, a proper case of anticipation has not been established with respect to claim 16.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 16 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claim 17.

Independent claim 17 is directed to a method for modifying a HTML document, comprising receiving, at an intermediary server, a HTML document from a remote server, the HTML document having a script portion; locating one of predetermined property or function statements within the script portion of the HTML document; and replacing a located statement within the script portion with a function call statement. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement. The Examiner groups the rejection of claim 17 with the rejection of claim 1 (Examiner's Answer, pg. 7). Claim 1, however, does not recite locating one of predetermined property or function statements within a script portion of a received HTML document and replacing a located statement within the script portion with a function call statement, as required by claim 17. The Examiner continues to completely ignore this feature of claim 17. Accordingly, a proper case of anticipation has not

been established with respect to claim 17.

For at least the foregoing reasons and those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 17 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

5. Claim 20.

In response to the arguments provided in Appellants' Appeal Brief, the Examiner relies, for the first time in the Examiner's Answer, on col. 1, lines 62-67, of Delph for allegedly disclosing computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server (Examiner's Answer, pg. 12). Appellants respectfully disagree with the Examiner's interpretation of Delph.

Col. 1, lines 62-67, of Delph is reproduced above. This section of Delph does not disclose or suggest computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 20.

The Examiner has not pointed to any section of Delph that discloses or suggests computer program code for modifying at least one link within a script portion of a markup language document to link to an intermediary server, as required by claim 20. Accordingly, a proper case of anticipation has not been established with respect to claim 20.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 20 under 35 U.S.C. § 102(e) based on Delph is

improper. Accordingly, Appellants request that the rejection of claim 20 be reversed.

6. Claim 21.

Independent claim 21 is directed to a computer readable media including at least computer program code for modifying a markup language document. The computer readable media comprises computer program code for receiving the markup language document at an intermediary server, the markup language document having at least a script portion including one of property or function statements; and computer program code for modifying at least one of the property or function statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server. The Examiner relies, for the first time in the Examiner's Answer, on col. 6, lines 33-64, of Delph for allegedly disclosing this feature (Examiner's Answer, pg. 12).

Col. 6, lines 33-64, of Delph is reproduced above. This section of Delph discloses an intermediate server modifying a URL of content to point back to the intermediate server. This section of Delph does not disclose or suggest computer program code for modifying at least one of the function or property statements within the script portion of the markup language document

to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21.

Delph discloses that a user can retrieve content using an intermediate server 50, which can edit HTML data by identifying the web links within the data and modifying the web links to point back to the intermediate server 50 (col. 5, lines 4-59). Delph in no way discloses or suggests computer program code for modifying at least one of the function or property statements within the script portion of the markup language document to facilitate access to other resources residing on one or more remote servers through the intermediary server, as required by claim 21.

For at least the foregoing reasons and the reasons presented in the Appeal Brief, Appellants submit that the rejection of claim 21 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

7. Claim 35.

Independent claim 35 is directed to a computer readable media including at least computer program code that, when executed by at least one processor in an intermediary server, performs a method for processing requests. The computer readable media includes computer program code for receiving, at the intermediary server, a request from a client device for an item; computer program code for determining whether the item is a hyper text markup language (HTML) document; computer program code for forwarding the item to the client device when the item is determined not to be a HTML document; computer program code for performing, when

the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a uniform resource locator (URL) within the HTML document with a replacement URL to produce a modified HTML document; and computer program code for forwarding the modified HTML document to the client device. Delph does not disclose or suggest this combination of features.

For example, Delph does not disclose or suggest computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document. The Examiner relies on col. 3, lines 5-19, col. 4, lines 43-53, and col. 5, lines 31-49, of Delph for allegedly disclosing these features (Examiner's Answer, pg. 8). Appellants respectfully disagree with the Examiner's interpretation of Delph.

At col. 3, lines 5-19, Delph discloses:

> More specifically, the present invention allows a receiver computer to render the content data presented by a sender computer when the gender computer accesses a content server through an intermediate server. A control program loaded on the intermediate server directs the intermediate server to receive content data from the content server which the sender computer requested. The control program then directs the intermediate server to transfer the content data to the sender computer, thus allowing the sender computer to render the data which the sender computer would have rendered had it contacted the content server directly. Finally, the control program directs the intermediate server to transfer the content data to the receiver computer. The content data allows the receiver computer to render the same data that the sender computer has rendered.

This section of Delph discloses that an intermediate server receives content and transfers the content to a sender computer. This section of Delph in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35. In fact, this section of Delph does not distinguish between HTML items and non-HTML items.

At col. 4, lines 43-53, Delph discloses:

> Content server 70 interfaces with the Internet 40 to make the content server 70 accessible to intermediate server 50. Any computer to which intermediate server 50 has access by a network may act as a content server for the present invention. This means that content server 70 should preferably include at least one interface, the ability to use a protocol common to intermediate server 50, and some content data of interest to a user stored in an accessible memory storage device at an identifiable location. In one embodiment, the content server contains a Web page stored in HTML at a URL.

This section of Delph discloses what type of devices can act as a content server 70. This section of Delph in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document

with a replacement URL to produce a modified HTML document, as required by claim 35. In fact, this section of Delph does not distinguish between HTML items and non-HTML items

Col. 5, lines 31-49, of Delph is addressed in the Appeal Brief. This section of Delph in no way discloses or suggests computer program code for forwarding an item to a client device when the item is determined not to be a HTML document and computer program code for performing, when the item is determined to be a HTML document, at least one of inserting a toolbar into the HTML document or replacing a URL within the HTML document with a replacement URL to produce a modified HTML document, as required by claim 35. In fact, this section of Delph does not distinguish between HTML items and non-HTML items.

For at least the foregoing reasons, Appellants submit that the rejection of claim 35 under 35 U.S.C. § 102(e) based on Delph is improper. Accordingly, Appellants request that the rejection be reversed.

CONCLUSION

In view of the foregoing arguments, Appellant respectfully solicits the Honorable Board to reverse the outstanding rejections of claims 1-37.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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